

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:09-cr-29

v.

HON. JANET T. NEFF

SOLOMON HAKEEM JOHNSON,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant Solomon Hakeem Johnson has filed a motion for modification or reduction of sentence (Dkt 199) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 221) and Defendant has filed a Response (Dkt 222).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 221) and Defendant's response (Dkt 222), the Court has determined that the defendant is ineligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 199) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED as the Armed Bank Robbery offense controls the guidelines, not the drug quantities in U.S.S.G. § 2D1.1 .

DATED: February 9, 2016

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge